

EPA R6 RESPONSIBLE PARTY CONTAINER RECOVERY PLAN

During the collection of orphan containers after an event such as a hurricane, responsible parties are often identified for large tanks, totes and drums. An integral part of the process in the recovery of orphaned items is the retrieval of items by their responsible party (RP) or owner. This process allows responders to deal with tanks of truly unknown origins and eases the burden placed on the collection staff. In addition, cost savings are realized by EPA and also by the RP. This document lays out the process to be followed for the notification of responsible parties, the retrieval of the orphaned items, and documentation of the process.

Determining the Responsible Party

Several tools are available to determine an orphaned container's RP. When examining an orphaned container, all names, numbers and other information should be noted. Details found on containers include company names, product names, phone numbers, manufacturer's numbers and/or State agency identification numbers. By tracking down this information via company's internet sites, regulatory agency information and yellow page information additional information can be used to determine an RP. Examples of labels or information found on containers can be found in Attachment A.

The process of determining an RP should be documented. All information collected and names and numbers found or used to determine an owner should be noted on a Record of Communication form such as the one in Attachment B. All communications and communication attempts must be kept to ensure that liability in the future is limited for EPA.

The RRC or Texas Railroad Commission Number can be found on most tanks in the oil and gas exploration industry. This number may be tracked by going to <http://webapps.rrc.state.tx.us/PDQ/home.do>. At the web-site select Specific Lease Query. On the next screen, if the number is a 5-digit number click on the oil lease button and if a 6-digit number click on the gas well button. Enter the RRC number in the Lease Number box and select District 03. For the date range, the latest data is as of August 31, 2008, so use that date as the end date in the search. The information provided here will be helpful in determining the tank owner or lease owner and therefore contacting the RP.

Additional sources of information can be found through local landowners. These landowners will often know what leases are in the surrounding area. This will assist in the tracking down of tank owners or at the least offer another source of information. In addition, local reconnaissance of oil pads or wells assists in the development of additional leads. By following up with phone numbers from landowners, tanks, signs at well sites and the internet, a great deal of information can be gleaned regarding ownership of tanks in a specific area.

The large stainless steel totes that carry anywhere from 250 to 550 gallons often have names and phone numbers stenciled on them in addition to any labels that may be present. Drums are often difficult to track to their current owners, however companies

that manufacture the products found in the drums will often retrieve these drums or may be able to point to the current owner of the drum. In addition, local propane companies may be willing to assist in determining owners for large propane tanks or will recover these tanks on their own. A list of propane tank companies can be found from local sources in most cases. Companies such as Amerigas or other local companies will usually work to assist in determining tank ownership.

Process for Contacting the Responsible Party

When a RP has been ascertained for an item, all attempts to contact this party should be documented. Documentation of conversations with the RP should always be kept in order to avoid future issues. A phone call log must be kept with date and the time of contact attempt as well as the name of the RP and whether contact was made. This can be done using the form found in Attachment B. At least 3 attempts to contact an RP must be made over a 10 day period. If at the end of the 10 days contact has not been made, the container may be disposed of as appropriate. If it is determined the RP is no longer in business, the 10-day period may be waived.

Responsible Party Retrieving Container

When an RP has been contacted and agreed to remove a container, they have seven days in which to retrieve it. The form in Attachment C must be filled out for each tank an RP claims. This form is for RP's claiming their own container; all others will be handled through a different process. If the container is to be retrieved from the pad/staging area, make sure that the pad manager and safety officer are aware and that all safety precautions are followed by the RP.

If the RP will be collecting the container from the field, arrangements need to be made to ensure the retrieval is carried out following the procedures mapped out in the Hurricane Ike Unified Command Guidance Plan for the Recovery of ESF-10 Containers in the Coastal Marshes of the State of Texas. It is best if an EPA personnel or contractor is present when the container is removed from its current location. A checklist is available to ensure that the proper procedure is being followed. This checklist can be found in Attachment D.

Retrieval of Unmarked Containers by Party

A third party may retrieve containers from the pad or from the field, only if EPA determines there is not an RP. When these retrievals are done, the third party must complete the form found in Attachment E. If a retrieval of a container is from the pad, all safety and pad rules must be followed and the pad manager notified in advance. If a container is retrieved from the field, the third party must follow the procedures found in the Hurricane Ike Unified Command Guidance Plan for the Recovery of ESF-10 Containers in the Coastal Marshes of the State of Texas.

ATTACHMENT A – PHOTOS OF CONTAINERS AND LABELS

ATTACHMENT B – RECORD OF COMMUNICATION FORM

EPA Record Number: _____

COMMUNICATION RECORD		
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Date of Contact Attempt	Name	Contact
		YES/NO

Comments:

Date of Contact Attempt	Name	Contact
		YES/NO

Comments:

Date of Contact Attempt	Name	Contact
		YES/NO

Comments:

Date of Contact Attempt	Name	Contact
		YES/NO

Comments:

Date of Contact Attempt	Name	Contact
		YES/NO

Comments:

ATTACHMENT C – RP CLAIM FORM OF OWN CONTAINER



**U.S. Environmental Protection Agency
Region VI
Responsible Party (RP) Claim Form**

Individual/Business Collecting Container: _____
(Please Print Name)

Address: _____

City, State Zip: _____

Contact Phone Number: _____

(Signature)

(Date)

CONTAINER INFORMATION

The above individual/business collected the following container(s) from the U. S. Environmental Protection Agency ESF 10 Staging Area

Container description and quantity

EPA Representative: _____
(Signature) (Date)

ATTACHMENT D – INSPECTION OF RECOVERY FORM

GENERAL INFORMATION		Date	Time
Site Name:			
Branch:			
INSPECTION TEAM			
Name	Organization	Signature	
SEGMENT Description of Area			
SHORE/MARSH TYPES			
	Berms or Adjacent Facility Shoreline		Marsh or Intertidal Wetland
	Forested Wetlands		Sand, Shell or Mixed Beaches
	Other:		
COMMENTS			
RECOMMENDATIONS			
Attachments: Sketch/Map: YES/NO Photos: YES/NO			

ATTACHMENT E – RELEASE OF CONTAINER FORM

EMPTY CONTAINER/TANK RELEASE FORM

Release To: _____ Date: _____
(Print Full Name)

Contact Information

Address: (Street) _____

(City) _____ (Zip) _____

Phone: _____

Collection Area Information

Branch: _____ Location: _____

Release by: _____ Phone: _____
(Team Leader)

Description of Container or Tank

Type of Container: _____

Size: _____ Former Contents: _____

Construction: () metal () poly () other _____

I.D. # (if known): _____

By signing this document, I _____ do hereby certify that the above referenced container/tank will become my property. I accept this container/tank in its present condition and understand, and accept, that transport of this container/tank from its point of release is my responsibility. I further certify that the container/tank will not be used in a manner that is inconsistent with its intended use. I release and hold harmless, the U.S. Environmental Protection Agency, and the U.S. Coast Guard, and its representatives, agents, employees, and contractors for any damage to said container/tank and for any damage or injury resulting from loading the container/tank onto my means of transport or for an future use, transport, or storage of said container/tank.

Signed: _____ Date: _____